

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 MICHAEL GOODSON,

12 Plaintiff,

13 vs.

14 COMMISSIONER OF SOCIAL
15 SECURITY ADMINISTRATION,

16 Defendant.

CASE NO. 07CV1146 BTM (WMC)

**ORDER GRANTING PLAINTIFF'S
MOTION TO PROCEED *IN FORMA*
PAUPERIS AND DIRECTING
UNITED STATES MARSHAL TO
SERVE SUMMONS AND
COMPLAINT**

17 On June 25, 2007 Plaintiff Michael Goodson filed a complaint for review of the denial
18 of his claim for Disability Insurance Benefits under Title II of the Social Security Act.
19 Accompanying his complaint, Plaintiff filed a motion to proceed *in forma pauperis* (IFP)
20 pursuant to 28 U.S.C. § 1915. For the reasons expressed below, the Court **GRANTS**
21 Plaintiff's application to proceed IFP.

22 A court may authorize the commencement of a suit without prepayment of fees by a
23 person who is unable to pay such fees. 28 U.S.C. § 1915(a). The determination of indigency
24 falls within the district court's discretion. California Men's Colony v. Rowland, 939 F.2d 854,
25 858 (9th Cir. 1991), *reversed on other grounds*, 506 U.S. 194 (1993) ("Section 1915 typically
26 requires the reviewing court to exercise its sound discretion in determining whether the
27 affiant has satisfied the statute's requirement of indigency."). It is well-settled that a party
28 need not be completely destitute to proceed IFP. Adkins v. E.I. DuPont de Nemours & Co.,

1 335 U.S. 331, 339-40 (1948). To satisfy the requirements of 28 U.S.C. § 1915(a), "an
2 affidavit [of poverty] is sufficient which states that one cannot because of his poverty pay or
3 give security for costs . . . and still be able to provide himself and dependents with the
4 necessities of life." Id. at 339.

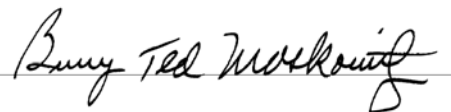
5 In this case, Plaintiff has completed the form declaration in support of his motion to
6 proceed IFP. The declaration states that Plaintiff has not worked since March 2004 (over 3
7 years ago) and that he has not received any monies from any source in the past 12 months.
8 He has no savings or assets, other than his 1995 Suburban truck, and it appears that he
9 survives by living with his girlfriend.

10 Having read and considered Plaintiff's declaration, the Court finds that Plaintiff is
11 unable to pay the required filing fees and, therefore, **GRANTS** Plaintiff's motion to proceed
12 *in forma pauperis*.

13 The United States Marshal shall serve a copy of the complaint, summons and this
14 order upon Defendant as directed by Plaintiff on U.S. Marshal Form 285. All costs of service
15 shall be advanced by the United States.

16
17 **IT IS SO ORDERED.**

18
19 DATED: July 2, 2007

20 
21 Hon. Barry Ted Moskowitz
22 United States District Judge
23
24
25
26
27
28